

DETAILED ACTION

DRAWINGS

1. The following changes to the drawings have been approved by the examiner and agreed upon by applicant through a telephone interview with Mr. G. Peter Nichols on 15 January 2010: Fig. 1 is to indicate with labeled elements that the compressor 21 supplies air from the compressor 21 to the air separation plant 11 as prescribed by paragraph [0043] of the applicant's specification. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

Allowable Subject Matter

2. Claims 1, 5-9, 11-12 and 17-18 are allowed.

3. The following is an examiner's statement of reasons for allowance: The claimed limitations "in alternative exclusive modes... compressing flue gas ... in a flue gas compression train... disconnecting the flue gas compression train... wherein when power is not generated using the first mode, power is generated using the second mode and wherein when power is not generated using the second mode, power is generated using the first mode" is not taught or suggested in the prior art of record. The closest prior art of record is Ooka CA 2,465,384. Ooka teaches a gas turbine power plant with all claimed elements except a flue gas compression train. Furthermore Ooka does not disclose the method of disconnecting the flue gas compression train when operating in a conventional mode or the separate exclusive operating modes A and B as claimed in the claim limitations. One of ordinary skill in the art at the time of the invention would not have found it obvious to modify the invention of Ooka to arrive at the claimed invention

without improper hindsight. Furthermore, it appears such a modification would go against the intent of the Ooka reference because a modification to arrive at the invention as claimed in the present invention would require Ooka to operate in a separate exclusive conventional mode different from the original intended operating mode.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERALD L. SUNG whose telephone number is (571)270-3765. The examiner can normally be reached on M-F 9am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cuff can be reached on (571) 272-6778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gerald Sung
Patent Examiner
GS
15 January 2010

/Michael Cuff/
Supervisory Patent Examiner, Art Unit 3741